

R E M A R K S

An Office Action was mailed on June 9, 2006. Claims 1-10 are pending.

Applicant has amended the specification and claims to correct obvious misspellings.

Claims 1, 5, 7, and 8 are rejected under 35 U.S.C. §102(e) as being anticipated by Bates et al. (U.S. Patent Publication 2002/0145321 A1). Claims 2,-4 and 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates et al. '321 in view of Percy et al. (U.S. Pat. 4,646,145). Claims 9 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bates et al. '321 in view of Reynolds et al. (EP 0774866 A2).

Applicant respectfully traverses all rejections based on Bates et al. '321 in view of the Declaration under 37 C.F.R. §1.131 filed herewith. The Bates et al. '321 reference has an effective date of January 31, 2002. The instant application was filed on February 25, 2002. The inventor of the instant application signed a Declaration and Power of Attorney on December 3, 2001, which referenced the application that was filed on February 25, 2002. The Declaration and Power of Attorney was signed prior to the effective date of the Bates et al. '321 reference, and establishes invention of the subject matter of the rejected claims prior to the effective date of the Bates et al. '321 reference. Accordingly, Applicant respectfully submits that Bates et al. '321 is not a valid prior art reference, and all prior art rejections based on Bates et al '321 should be withdrawn. Passage of this case to allowance is earnestly solicited.

Any fee due with this paper, not already paid through an EFS-Web filing, may be charged to Deposit Account No. 50-3894. Any overpayment may be credited to Deposit Account No. 50-3894.

Respectfully submitted,

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